

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated January 26, 2006 and November 24, 2006

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Remarks:

Applicant has read and considered the Office Action dated January 6, 2006 and the references cited therein and the Notice of Non-Compliant Amendment dated November 24, 2006. Claims 1-5, 8, 9, 11, 12 and 17 have now been amended. Claims 1-13 and 15-17 are currently pending. The status identifier for claims 1 and 17 have been amended to correctly identify the claims. Reconsideration and reexamination are hereby requested.

In the Office Action, claims 1-13 and 15-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action stated "said first and second planar sectional elements have communication surfaces providing a light/shadow effect for breaking visual experience" is not readily understood by the Examiner. Applicant asserts that the claim language is recited directly from the specification. However, claim 1 has been amended and recites language that is believed to be clear and overcomes the indefiniteness rejection. Claim 1 recites that said first planar section has a first visible surface providing a first light/shadow effect and said second planar section has a second visible surface providing a second light/shadow effect visually distinguishable from the first light/shadow effect when said screen element is integrated into the wall. This is clearly shown in Figures 1 and 7. Moreover, the light/shadow effect is discussed on page 2, lines 19-21 and in the Abstract of the invention. Applicant asserts that the new language more clearly recites the structural differences and the visual contrasts encountered by those viewing the door due to the different angles of the first and second planar sections. The different orientations provide an indication to the user of the door and direction of the operation that is not provided by any of the prior art references. Applicant asserts that the rejection under 35 U.S.C. § 112 has been overcome.

Claims 1-7, 10, 12, 13, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biebuyck. The Office Action states that Biebuyck fails to disclose the angle between the planar sections to be about 10-20 degrees but that it would have been obvious to one of ordinary skill in the art to provide the angle between the sections of Biebuyck to be between 10-20 degrees. Applicant notes that Biebuyck shows angled doors that are glass so that light

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may pass directly through the glass and does not provide the provided light/shadow effect. Applicant further notes that the Biebuyck reference teaches glass doors but does not teach screen element with planar sections on the same screen element. Applicant asserts that Figure 4 of Biebuyck does not show the first and second planar sections. Biebuyck only shows end locking portions 212 and 220, but this structure does not provide the light/shadow effects. The different screen elements of Biebuyck are not sufficient to provide the visual distinguishing characteristics as provided for in the present invention. The Biebuyck reference only shows an edge portion meeting at the center to another door. With the generally clear surfaces, the light/shadow effect is not accomplished as in the present invention wherein solid doors are arranged and the angle is such that a single screen element will function as a door while providing the visual distinguishing characteristics to guide one passing through the door as to the direction of the door opening or closing. Applicant asserts that the edges of the Biebuyck are insufficiently wide and add an improper angle to anticipate the advantages of the present invention. Applicant asserts that claims 1-7, 10, 12, 13, 15 and 17 patentably distinguish over Biebuyck and any other prior art.

In addition, claims 9, 11, and 16 were rejected over Biebuyck in view of Van Sandt. Applicant asserts that the claims patentably distinguish over Biebuyck for at least the reasons discussed above. Moreover, Van Sandt fails to remedy the shortcomings of the Biebuyck reference. Applicant asserts that claims 9, 11 and 16 patentably distinguish over the combination of Biebuyck and Van Sandt for at least the reasons discussed above as well as others.

Claim 8 was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the Section 112 rejections. Claim 8 has been rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter. Applicant asserts that claim 8 is in condition for allowance.

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The Office Action also indicated that the arguments of the previous response were more limiting than the language of the claims. Claim 1 has been rewritten and it is believed that the claim clearly recites structural differences and advantages that are not possible or obvious with the prior art. Applicant asserts that the claims do patentably distinguish over the prior art and requests that the rejections be withdrawn.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

12/26/06

By: _____

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